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3738

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Stinson, Jonathan S., et al.

Art Group: 3738

Serial No.: 10/008,716

Examiner: Thomas Barrett

Filed: November 13, 2001

Atty. Docket: 23,369-134

For: Radiopaque Markers for Implantable Prostheses

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed for filing please find the following:

1. Election of Claims (2 pages); and
2. Return Receipt Post Card.

The Commissioner is authorized to charge any fees necessitated by this correspondence, or credit any overpayment to Deposit Account No. 12-0449.

Please direct any questions or comments to Frederick W. Niebuhr at (952) 896-1574.

Respectfully submitted,

Boston Scientific Scimed, Inc.

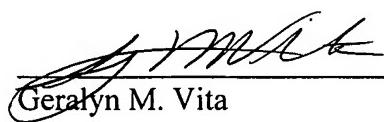
Dated: September 8, 2005

By: Frederick W. Niebuhr
Frederick W. Niebuhr
Registration No. 27,717
CUSTOMER NO. 23452

CERTIFICATE OF MAILING

Pursuant to 37 CFR 1.8, I hereby certify that this Transmittal and accompanying documents identified above (items #1-2) in Application Serial No. 10/008,716 are being deposited with the U.S. Postal Service by first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit indicated below.

Date of Deposit: September 8, 2005



Geralyn M. Vita

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ELECTION OF CLAIMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Election Requirement of August 8, 2005, the applicant hereby elects the following claims for further consideration:

claims 35-44, 46, 50, 51, 53, 56-60, 64-68, 71-78, 80, and 83-85.

With respect to the four patentably distinct species identified by the examiner with reference to different drawing figures, this election encompasses the claims which, by their present scope, are exemplified by embodiments such as that shown in Figure 4c. With respect to the further requirement to elect subspecies, this election encompasses the claims that relate to providing the radiopaque portion of the marker or strand as a coating - specifically, claims 43, 77 and 84.

The foregoing election is made with traverse, based on the presence of generic claims believed to be allowable.

The applicant respectfully requests favorable consideration and allowance of the elected claims.

Respectfully submitted,

Boston Scientific Scimed, Inc.

Dated: September 8, 2005

By: Frederick W. Niebuhr
Frederick W. Niebuhr
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